6152793/2022/VIG-II-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD – Allegation of making excess payment without considering the QC inspection reports made for QC recoveries/withheld amounts in respect of (27) works covered in WP.No.18708/2021 – Causing loss to Government exchequer to an amount of Rs.5,46,272/- - Legal complications - Disciplinary proceedings under Rule 20 of A.P. Civil Services (CC&A) Rules, 1991 against Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District – Article of charges – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.603. **Dated:21-07-2022.**

Read the following:-

1. Orders of High Court of A.P., dated 05.10.2021 in W.P.No.18708 of 2021 filed by Sri Pemmasani Nageswara Rao, R/o Vaddemgunta (V) Bollapalli (M), Guntur District.
2. Contempt Case No.13/2022 filed by Sri Pemmasani Nageswara Rao, R/o Vaddemgunta (V) Bollapalli (M), Guntur District.
3. Brief history of bill submitted in C.C.No.13/2022 in WP.No.18708 of 2021 submitted by EE, PRI Division, Narasaraopeta, dt:15.07.2022.

<o>

ORDER:

It is proposed to hold an inquiry against Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District in accordance with the procedure laid down in Rule-20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the enquiry is proposed to be held is set out in the enclosed statement of article of charge (Annexure-I and II). A list of documents by which and a list of witnesses by whom, the article of charges are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District is directed to submit his written statement of defence within (10) days of the receipt of this order.

4. Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District is informed that an enquiry will be held only in respect of those article of charges as are not admitted. He should, therefore, specifically admit or deny article of charge.

5. Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District is further informed that if he does not submit his written statement of defence on or before the period specified in Para 3 above or otherwise fails or refuses to comply with the provisions of Rule-20 of Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 or the orders, directions issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex-parte, based on the material available on record.

6. Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District is invited to Rule-24 of the APCS(Conduct)Rules, 1964, under which no Government Servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in

(Contd..Page-2)

respect of matter pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that he is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of APCS (Conduct) Rules, 1964.

7. The receipt of this G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District (through the Commissioner, PR, Tadepalli, Guntur).
The Commissioner of Panchayat Raj, AP, Tadepalli, Guntur (in duplicate with a request to serve and return the dated acknowledgement)
Copy to:
The PR & RD (MNDLS-I) Department.
The PR & RD (Vig-V) Department.
SF/SC .

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-I

STATEMENT OF ARTICLE OF CHARGES FRAMED AGAINST Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District.

-:0:-

CHARGE:

That Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District has made payments for works executed by the writ petitioner in W.P.No.18708/2021. But, he has made the above payment without deducting the recoveries proposed by the Quality Control Inspection Teams reports dated 13.06.2020 & 29.06.2020 towards deficiencies in quality and quantity with regard to approved estimates. The said QC reports were prior to making payments by the Panchayat Secretary and thus caused loss to Government exchequer (excess payment) in the works covered in the above WP and Contempt case No.13/2022.

2. Thus, the above Government Servant has failed to discharge his legitimate duties properly and acted for his personal gain and gross negligence in attending his legitimate duties and acted in contravention of Rule 3 of APCS (Conduct) Rules, 1964.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATIONS OF MISCONDUCT AND MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGES FRAMED AGAINST Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District.

Basis:

Whereas the Writ Petitioner in W.P.No.18708/2021 was executed "construction of CC roads and side drains works under 14th Finance grants and made payment. But in QC Reports dated 13.06.2020 & 29.06.2020 certain amount has been proposed for QC recovery/withheld amount. Whereas, the payment authority Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats paid amount without deducting the QC recoveries/withheld amounts and cause loss to Government exchequer(excess amount).

Thus the Government Servant Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District failed to obey the orders of higher authorities and gross negligence on his legitimate duties. Thus by the above mentioned acts, he failed to maintain absolute integrity, devotion to the duty and conduct unbecoming of a Government Servant and there by contravened the Rule 3(1) & 3(2) of APCS (Conduct) Rules, 1964.

Hence, the charge.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLE OF CHARGE FRAMED AGAINST Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District ARE PROPOSED TO BE SUSTAINED:

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1. Orders of High Court of A.P., dated 05.10.2021 in W.P.No.18708 of 2021 filed by Sri Pemmasani Nageswara Rao, R/o Vaddemgunta (V) Bollapalli (M), Guntur District.
2. Contempt Case No.13/2022 filed by Sri Pemmasani Nageswara Rao, R/o Vaddemgunta (V) Bollapalli (M), Guntur District.
3. Brief history of bill submitted in C.C.No.13/2022 in WP.No.18708 of 2021 submitted by EE, PRI Division, Narasaraopeta, dt:15.07.2022.

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSESS BY WHOM THE ARTICLE OF CHARGE AGAINST Sri T. Siva Kumar, Panchayat Secretary, Bollapalli & Sarikondayaipalem Gram Panchayats, Guntur District IS PROPOSED TO BE SUSTAINED :

<o>

- NIL –

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

// FORWARDED :: BY ORDER //

SECTION OFFICER